REGISTERED No. M. 4631.

# KERALA GAZETTE

## EXTRAORDINARY

## PUBLISHED BY AUTHORITY

Vol. V] Trivandrum, Monday, 10th October 1960 / 18th Asvina 1882 [No. 94.

### NOTIFICATION

No. 3736|LA.4|60. *Dated, 10th October 1960.*

The following Bill together with the Statement of Objects and Reasons is published, as ordered by the Speaker under Rule 73 of the Rules of Procedure and Conduct of Business in the Assembly.

Legislature Secretariat,
Trivandrum.

D. TIRUMALAI IYENGAR,
*Secretary,*
*Legislative Assembly.*

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# The State Transport Authority and the Regional Transport Authorities (continuance of the term of office) Validation Bill, 1960

A

*BILL*

*to validate the continuance of the term of office of the State Transport Authority and certain Regional Transport Authorities.*

*Preamble.*—WHEREAS by notification No. 74520|58|PW|TB. 1 dated the 23rd December, 1958, the Government sanctioned the continuance of the term of office of the State Transport Authority and certain Regional Transport Authorities after the expiry of their term of office;

AND WHEREAS the said Transport Authorities continued to function till new authorities were constituted on the 30th day of December, 1958;

AND WHEREAS it has been held by the High Court of Kerala that the said notification dated the 23rd December, 1958, cannot have retroactive operation;

AND WHEREAS it is necessary to validate all things done and all action taken by the said Transport Authorities after the expiry of their term of office;

BE it enacted in the Eleventh Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the State Transport Authority and the Regional Transport Authorities (Continuance of the Term of Office) Validation Act, 1960.

2. *Validation of the sanction for the continuance of the term of office of the State Transport Authority and certain Regional Transport Authorities.*—(1) Notwithstanding any judgment, decree or order of any court, the continuance of the term of office of the State Transport Authority and the Regional Transport Authorities sanctioned by the Government by notification No. 74520|58|PW|TB1 dated the 23rd December, 1958, issued under sub-sections (1) and (2) of section 44 of the Motor Vehicles Act, 1939, shall be deemed to have been validly ordered; and the term of office of the State Transport Authority and the Regional Transport Authorities of Cannanore, Kozhikode, Palghat, Trichur, Kottayam, Quilon and

Trivandrum shall be deemed to have been extended from the 27th day of August, 1958, up to the 30th day of December, 1958 and that of the Regional Transport Authority of Alleppey shall be deemed to have been extended from the 1st day of October, 1958, up to the 30th day of December, 1958. All powers exercised, duties performed, orders passed and all things done and action taken or purporting to have been exercised, performed, passed, done or taken by or under any provision of the said Motor Vehicles Act or the rules made thereunder by the said authorities during the respective periods aforesaid, shall be deemed to have been validly exercised, performed, passed, done and taken and shall not be called in question in any court of law on the ground that the sanction of the Government for the continuance of the term of office of the said authorities with retrospective effect was not authorised by law.

(2) No suit or other proceeding challenging the validity of any such power exercised, duty performed, order passed, thing done or action taken or for any relief on the ground that such power, duty, order, thing or action was not validly exercised, performed, passed, done or taken, shall be maintained or continued in any court:

Provided that no action or omission on the part of any person shall be punishable as an offence which would not have been so punishable if this Act had not been passed.

## STATEMENT OF OBJECTS AND REASONS

The term of office of the State Transport Authority and the Regional Transport Authorities of Cannanore, Kozhikode, Palghat, Trichur, Kottayam, Quilon and Trivandrum constituted under Notifications TB1-11867|57|PW dated 23-8-1957 expired on 26-8-1958 and the term of office of the Regional Transport Authority, Alleppey, expired on 30-9-1958. But the said authorities continued to function till 30-12-1958. The Government, by Notification No. 74520|58|PW|TB1 dated 23-12-1958, sanctioned the continuance of the State Transport Authority and the Regional Transport Authorities retrospectively from the dates of expiry of their term till their successors were appointed. In Appeal Suit No. 303 of 1959, the High Court of Kerala has held that the retrospective effect attempted by the said notification was of no effect. It has therefore become necessary to validate the acts and proceedings of the said authorities for the period from the 27th August, 1958, to the 30th December, 1958.

The Bill is intended for this purpose.

K. T. ATCHUTHAN.

REGISTERED No. M. 4631.

# KERALA GAZETTE

## EXTRAORDINARY

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## Law Department

## NOTIFICATION

No. 7607|B(u)1-57-Law. *Dated, Trivandrum, 11th October, 1960.*

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the Governor on the 7th day of October, 1960.

By order of the Governor,
P. NARAYANASWAMI,
*Law Secretary.*

## THE KERALA GAMING ACT, 1960

CONTENTS

SECTIONS.